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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,749	01/17/2002	Gang Huang	HUANG 13-12-6	2534
7590	12/21/2005		EXAMINER	
MANELLI DENISON & SELTER PLLC 7th Floor 2000 M Street, N.W. Washington, DC 20036-3307			NGO, NGUYEN HOANG	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/046,749	HUANG ET AL.	
	Examiner Nguyen Ngo	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 January 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-9, 15, 16-19, 22-24, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen (US 2002/0131486), hereinafter referred to as Haartsen.

**Regarding claim 1**, Haartsen discloses a method for training a radio receiver including receiving, the initial portion containing at least one flag to identify a corresponding reference training sequence to be selected by the receiver (a method of providing advance information (initial portion) to a receiver in a home network, page 2 [0016]).

Haartsen further discloses;

that in digital communication, packets are used that are preceded by a preamble, which is followed by an information stream (payload, page1 [0012]) and further discloses that a field in the preamble is reserved for a flag b, which provides an indication to the receiver to aid the receiver in selecting a corresponding reference training sequence (providing auxiliary coding to said receiver, page 4 [0040]). It is noted that applicant discloses auxiliary coding (flag) is used to provide information to the

receiving device to seed on training component with an appropriate predetermined value (reference training period) as stated on page 9.

of transmitting data packet including payloads to a receiver (providing data packets to said receiver, page 3 [0036]).

that the transmitter inserts flags in the preamble to indicate the training sequence and the modulation scheme used for the payload (wherein said auxiliary coding is associated (association by modulation scheme) with data packet (payload) on a packet-by-packet basis, page 4 [0040]).

**Regarding claim 2, 3, and 4,** Haartsen discloses the flag be inserted in the preamble (auxiliary coding is encompassed within said data packet, auxiliary coding is inserted into a preamble of said data packet, page4 [0043] and page 1 [0012]). It should be noted that the preamble is transmitted before the payload.

**Regarding claim 7, 8, and 9,** Haartsen discloses that the training sequence will vary according to the modulation scheme applied such as QAM, and BPSK (page 3 [0034]) and that these modulation schemes are applied to both the preamble and payload (auxiliary coding is transmitted using FSK, QAM, or BPSK, page4 [0043]). It should be noted that FSK is another modulation scheme known in the art.

**Regarding claim 15**, Haartsen discloses the flag indicates a modulation scheme applied to the segments in the data packet (auxiliary coding comprises coding information and data mode).

**Regarding claims, 16-19, 22-24, and 30**, Haartsen discloses all the limitations as discussed above. Haartsen discloses a communication system comprising a transmitter (apparatus) and a receiver. It is noted that these claims are simply the apparatus performing the methods as discussed above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 5, 6, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (US 2002/0131486), hereinafter referred to as Haartsen.

**Regarding claim 5 and 6,** Haartsen fails to disclose of transmitting the auxiliary coding with a same RF front end as said data packet or transmitting said auxiliary coding with a different RF front end as said data packet. Haartsen however discloses from figure 3 of a transmitter and a receiver system for transmission of data. It should thus be obvious to transmit the auxiliary coding with the same RF front end or a different RF front end from said data packet, as it is well known in the art that transmitters/receivers incorporate RF front ends for efficient data transmissions. It should be noted that transmitting of auxiliary coding through a specified RF front end is simply a systems parameter of the transmission system and it's components.

**Regarding claims, 20 and 21,** Haartsen discloses all the limitations as discussed above. Haartsen discloses a communication system comprising a transmitter (apparatus) and a receiver. It is noted that these claims are simply the apparatus performing the methods as discussed above.

6. Claims 10-13 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (US 2002/0131486), in view of Okamoto (US 6950433), hereinafter referred to as Haartsen and Okamoto.

**Regarding claim 10,** Haartsen fails to disclose the specific limitation of having the auxiliary coding comprising a source address identifying a transmitter of said data packet. Haartsen however discloses of a transmitter and a receiver of a transmission system, and provides the motivation of training a radio receiver according to a training

sequence dependent on a specified transmitter to produce successful communication between the transmitter and the receiver and for efficient equalization of the receiver.

Okamoto further discloses of an auxiliary header, which includes a source address (auxiliary coding comprising a source address identifying a transmitter, col2 lines 61-66). It should thus be obvious to a person skilled in the art to incorporate the source address located in the auxiliary header as disclosed by Okamoto into the method for training a radio receiver as disclosed by Haartsen to reduce the effects of ISI to correctly produce successful communication between the transmitter and the receiver in an efficient manner, more precisely, efficiently training a radio receiver using auxiliary information (flag) to the correctly identified transmitter.

**Regarding claim 11**, the combination of Haartsen and Okamoto discloses all the limitation of claim 11, more precisely Okamoto discloses of local networks (col1 lines 16). It should thus be obvious to use a local address if the system of the transmitter and the receiver is a local network.

**Regarding claim 12 and 13**, the combination of Haartsen and Okamoto discloses all the limitations of claim 12 and 13. It should further be noted that it would have been obvious to have the source address comprise 5 or fewer symbols or the source address comprise 5 or fewer bits, as these are simple parameters of the system. The motivation to have fewer bits and symbols (5 or fewer) would be to efficiently use bandwidth of the

channel and efficiently use the given bits in a source address field. One would use fewer bits in order to save resource and bandwidth.

**Regarding claims 25-27,** Haartsen discloses all the limitations as discussed above. Haartsen discloses a communication system comprising a transmitter (apparatus) and a receiver. It is noted that these claims are simply the apparatus performing the methods as discussed above.

7. Claims 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (US 2002/0131486), in view of Chung et al. (US 6731618), hereinafter referred to as Haartsen and Chung

**Regarding claim 14,** Haartsen fails to disclose the specific limitation of having the auxiliary coding be provided in a signal independent from a signal including said data packet. It is however noted that sending auxiliary data over an independent signal separate from a data signal is a well-known technique known in the art, that provides efficient transmissions and error corrections to the data, thus providing the motivation to do so.

Chung further discloses that a forward data preamble subchannel is used to transmit the MAC address and the auxiliary information (auxiliary coding is provided in a signal independent) and that the forward packet data is transmitted through the forward

packet data traffic subchannel (signal including said data packet, col5 lines 1-9). It would have thus been obvious to incorporate the transmitting of auxiliary data and packet data through independent subchannels (signals) as disclosed by Chung into the method for training a radio receiver as disclosed by Haartsen to efficiently transmit data from transmitter to receiver.

**Regarding claims 29,** Haartsen discloses all the limitations as discussed above. Haartsen discloses a communication system comprising a transmitter (apparatus) and a receiver. It is noted that these claims are simply the apparatus performing the methods as discussed above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a) Bagchi (US 6882634), Method For Selecting Frame Encoding Parameters TO Improve Transmission Performance In A Frame-Based Communications Network.
  - b) Dupuy (US 6546025), Method and Device For Transmitting Frames.
  - c) Baggen et al. (US 6574247), Transmission System For Transmitting A Main Signal and An Auxiliary Signal.

d) Beale et al. (US 2003/0048839), Training Of Equalizers For Use With Signals Of Differing Data.

e) Cain et al. (US 4621366), Modem Equalizer Training Using Previously Stored Parameters.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2663

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